

COMMENTS ON THE DRAFT PLACITAS AREA PLAN

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This paper presents my comments on the draft Placitas Area Plan, which was written by Sandoval County's long-range planner, Mr. Moises Gonzales, and released on January 9, 2009. These comments focus almost entirely on substantive issues and recommendations. They are not exhaustive, as they touch only lightly on such other matters as problems of organization and language and gaps in the document's depiction of existing conditions. Please note that all opinions expressed here are solely my own and do not necessarily reflect the views of other individuals or organizations involved in the planning process.

General Impression

In reviewing this draft plan, one has to consider both what the planner has chosen to include and what he has chosen to omit. The many major omissions are more problematic than anything that the draft itself contains.

The draft itself is generally benign, or at least innocuous. Many of the positions it takes and the recommendations it offers are positive and compatible with Placitas residents' expressed views and will, I believe, be welcomed by the community. Some of its recommendations, however, are so general, weak, or vague as to be of little use, while others leave important matters ambiguous or ill-defined. I noted only one explicit recommendation (concerning a loop road) that is overtly antagonistic to residents' interests, although some others diverge from residents' preferences to lesser degrees.

But the main items that Placitas residents should be concerned with in connection with this document are those that the draft plan leaves out. The issues that are omitted, or regarding which no significant recommendations are offered, include some that were among the most intensively discussed during the past six months. Among these, for example, are issues concerning the adequacy of water supply for new subdivisions; needs for improved wastewater and drainage provisions; proposed new commercial developments at specific Placitas locations; threats to health and the environment emanating from neighboring BLM land; and problems of traffic congestion and road safety. One would never know from reading the draft that these issues figured prominently in the planning process or that Placitas residents presented specific recommendations concerning them. The draft neither endorses nor rejects these resident recommendations; instead, it simply ignores them, as if the issues in question did not exist. Why the planner has left so many important topics out is unclear, but whatever the motives, the fact is that a lot of what belongs in the plan is now missing, and much material needs to be added to make the document ready for the P&Z Commission's review.

The following specific comments are arranged in two sections, the first covering matters that the draft addresses, and the second dealing with the important topics it omits.

Recommendations Presented in the Draft

I begin with comments on the plan's most important positive contributions and then work my way downward.

Housing Density. The Plan calls for retaining at least the existing RRA 3/4 acre minimum lot size in most of Placitas, increasing that figure to 1 or 2 acres in some areas, but allowing exceptions for certain areas, mainly in and around the Village, where smaller lot size is the rule. These very important recommendations, strongly supported by most residents, would preserve the character of Placitas as a low-density community of single-family detached homes. They would validate existing housing patterns in the Village and other older areas. They would seem to preclude multiunit or high-density housing anywhere in Placitas, although the plan should say so explicitly. Clarification is needed of the rules that would apply to already-platted subdivisions, especially with respect to further division of existing lots. Also, some serious questions regarding the recommendation to allow cluster housing need to be addressed (this item is discussed separately below).

Commercial Development. The Plan recommends that future commercial development in Placitas be limited to the three areas where commercial development already exists: the La Puerta and Homestead areas on the west side and a newly defined one-mile-long strip, to be zoned rural-commercial, in and adjoining the historic Village. This recommendation has received the near-unanimous support of Placitas residents and will undoubtedly be applauded by the community. Although the draft never refers explicitly to the Cashwell property, the limitation to three existing commercial areas would seem to preclude the commercial development at the Cashwell site that its owners have proposed but that residents overwhelmingly oppose. To eliminate any lingering doubt, the plan should state the implications for Cashwell explicitly. Likewise, the plan should clarify how the recommended limitation to three existing areas applies to proposed commercial developments below the Piedra Lisa dam and northward along the I-25 frontage road. To eliminate any doubts as to the kinds of business activity that can be conducted outside the three specified zones, the definition of permitted home-based business should be spelled out explicitly and in detail. The present draft does not offer a definition, but the Mid-Region Council of Governments (MRCOG) has prepared a good one, parts of which also appear in Sandoval County's zoning ordinance.

Differentiated Zoning Provisions for Different Areas. The draft makes an important contribution by outlining differences in conditions among different areas of Placitas and recommending that zoning rules be differentiated accordingly. In particular, it recognizes that looser standards regarding housing types, sizes, siting, and styles are appropriate for certain less formally developed areas in eastern parts of Placitas than for the more formal subdivisions on the western side, and it calls for area-specific zoning changes to accommodate established land-use patterns and traditional practices in and around the historic Village. Clarification is needed of which recommendations are intended to apply to already-developed areas, which to territory that is subdivided or platted but not developed, and which to unplatted land. It would also be useful to clarify the relationship between zoning rules and subdivision covenants and to explain how communities that initially developed informally might adopt design standards if their residents so desired.

Although the aforesaid differentiation is appropriate, the way in which the discussion of different Placitas districts is presented (pp. 41-p.57) gives a wrong first impression of the degree of variation in recommendations among the residential subareas. Note, for example, that the recommendations to set a height limit of 28 feet, to continue to allow home-based business, and to retain the permissive and conditional uses specified under current RRA zoning are repeated without change in the remarks on each subarea (apart from Diamond Tail, about which almost nothing is said). There actually are only a few significant inter-district differences in what is proposed. The main ones concern special provisions for the Village ("right to farm" and relaxation of setback requirements), some differences in required minimum lot size, and the recommendation to develop design standards (unspecified) for the west Placitas residential area but not for any other residential area. Similarly, there are hardly any differences between the recommendations offered for the west Placitas commercial district and those for the Village commercial district: six of the seven zoning recommendations pertaining to the former (p. 48) are identical to those pertaining to the latter (pp. 53-54). The presentation of this whole set of recommendations could be made more compact and effective, I believe, by (a) discussing residential and commercial districts separately, (b) beginning the discussion of each district type with recommendations common to all such districts, and then (c) proceeding to lay out the handful of exceptions applicable only to particular districts.

Points Concerning Specific Zoning Recommendations. The draft proposes several specific numerical standards but offers no rationale for why they were selected. For example, the recommended 28 foot residential height limit exceeds both the heights of most extant Placitas homes and the maximums allowed by many subdivision covenants. Is the intent to encourage construction of taller structures (e.g., three-story houses)? If not, why so large a figure? Likewise, why the 8000 square foot limit on the floor space of commercial structures, rather than, say, the 4000 square feet some resident groups have proposed? The plan should explain where these arbitrary-seeming numbers came from and what they are intended to accomplish.

The draft says several times that something should be done to encourage consistency with "the existing architectural vernacular" (p. 43), or "existing development patterns" (p. 44), or the "southwestern vernacular" (pp. 48, 53), but never defines these supposedly desirable styles nor suggests any process or mechanism for promoting their use (I return to the latter point later).

The plan calls for retaining existing RRA permissive and conditional uses in all residential areas of Placitas, but some of these uses are unsuitable for the more formal west Placitas subdivisions, and probably for some other residential areas as well. Referring to section 9(1) of the Sandoval County zoning ordinance, one permissive use, agricultural activities, obviously is inappropriate, and most of the listed conditional uses are as well. Among the latter are family cluster developments, schools, recreational facilities, day care facilities, residential group homes for the handicapped, boarding houses, real estate offices, various commercial equestrian facilities, and communication towers. (A few of these might be acceptable if suitably limited—e.g., day care for no more than six children.) Some of the listed items, if allowed to remain in the zoning code, could create loopholes for commercial activity in parts of Placitas where the draft says that commercial activity should not be allowed. Therefore, the present recommendation to retain the existing list of RRA uses should be deleted, at least from the

recommendations for west Placitas. In its place, the draft should recommend formulation of a new, narrower list, perhaps differentiated by subarea, that excludes or tightly restricts the types of activities mentioned above.

Transport Initiatives. The draft endorses several initiatives favored by Placitas residents that would broaden the range of transportation options available to the community. These include creation of a connector bus line to the NM 550 Sandoval Transit Center and Rail Runner station, establishment of park-and-ride locations in Placitas, and development of a pedestrian/equestrian trail system along NM 165. Unfortunately, other transportation-related recommendations developed by residents have not fared as well, as will be seen below.

Open Space and Wildlife Corridor Initiatives. The draft includes pleasant but very weak language about protection of open space and support of wildlife corridors—e.g., recommendations to "work with" Albuquerque to protect the Placitas Open Space tract, to "encourage" setting aside open space in future subdivisions, to implement future state findings regarding wildlife habitat, and to request a federal wildlife corridor study. It also touts the proposal to let developers build cluster housing (discussed below) as a measure to improve open space. It does not, however, recommend any specific action that the County should take to protect either open space in general or any particular open space from development. More disturbing, the draft does not refer at all to the urgent open space issues concerning BLM land north of Placitas—issues of environmental quality, public health, safety, and wildlife protection linked to current and future activities on that land. This is one of the document's most egregious and potentially consequential omissions. I say more about it in the following section.

Water Supply. The draft's single significant recommendation regarding water supply is that the County should encourage community water systems, or shared wells where community systems are not available, and should discourage individual domestic wells. What modes of encouragement or discouragement (incentives) the County might employ for this purpose are not specified. Somewhat mysteriously, the planner's earlier recommendation to set quantitative limits for withdrawals from individual wells appears nowhere in the document. In addition, the planner clearly would like to recommend that water metering be required even for individual domestic wells, as is evident from his emphatic remarks on p. 22; but something seems to have prevented him from stating that explicitly. Much more important than the aspects of water supply that the plan discusses, however, is an issue that it carefully avoids: what should be the obligation of developers to ensure and to demonstrate adequacy of water supply for their projects? This is another troubling omission, and one that I take up below.

Provision for Cluster Housing. The draft recommends a zoning change that would allow developers to cluster housing units on lots smaller than would otherwise be permitted under RRA zoning (p. 59). This is characterized as an incentive provision, in that it might encourage preservation of more open space than subdivisions would normally provide. It has the potential to yield some significant benefits, including not only open space but also improved subdivision aesthetics. As now presented, however, without any definitions or precise rules, it easily could be exploited or abused, resulting in excessive housing densities, unwanted housing types, or inappropriate placement of structures on a piece of land. The details need to be filled in before any decision is made about whether a cluster provision is warranted. They should include, but

not be limited to, (a) a clear statement that only single-family unattached homes can be built in any cluster, (b) a rule that no more units can be built on a tract than would have been allowed in the absence of the cluster provision, and (c) a guarantee of public access to the open space preserved by allowing clustering. These should be accompanied by a specific formula for determining the allowable number of units in a tract with clustered housing and appropriate standards to govern the placement and design of clustered homes.

Regulation of Ridge Top and Steep Slope Development. The draft recommends (p. 58) new rules on these matters that, while probably well-intentioned, are likely to yield little significant benefit. The proposed ridge-top rule does not prevent or discourage building on ridges but merely limits the height of ridge-top structures to 18 feet. In my own subdivision, North Ranchos de Placitas, the covenants limit height to 17 feet, which means that almost every house in the community would qualify for placement right on top of a ridge. The associated setback-from-slope rule might reduce the visual impact of ridge-top development to some degree, but might also induce or require massive alteration of natural slopes. If the objective is to encourage builders to set their structures into rather than above the terrain, it is not evident that the presently stated rule is well-suited for that purpose. These recommendations seem to need at least some elaboration, and perhaps more fundamental rethinking.

Night Sky Protection. Most Placitas residents agree about the desirability of night sky protection (p. 58). As the planner suggests, the applicable provision of state law is not very helpful: an unshielded 150 watt incandescent bulb, or even one with half that wattage, can be seen from miles away. The Jemez Valley provision that the planner favors sets forth more detailed rules regarding acceptable lighting installations. To be effective, however, the rules should deal not just with types of light fixtures but also with the hours during which exterior lighting is turned on. There probably are stronger models of night sky rules in the planning literature that could be adapted to Placitas' needs.

The Loop Road. Saving the worst for last, I comment on what seems to be the draft's most egregiously adverse recommendation. Placitas residents overwhelmingly oppose construction of any loop road connecting I-25 with NM 14 or any new major arterial road through the community. This opposition has been expressed repeatedly in public meetings and written submissions. The response in the draft (p. 60) is, in essence, that the County understands residents' concerns but rejects them, and that County officials reserve the right to go ahead with such a road whenever they so desire. It is reasonable, certainly, that the County would reject a demand that it *never* consider a new road, no matter how much conditions change. But there is a wide middle ground between that extreme and the equally extreme position that the County should feel free to launch an unwanted road project at any time (say, next week). A more balanced approach would be to define conditions under which consideration of a new road would be appropriate—perhaps something along the following lines:

Having determined that there is no current need and no projected near-term need for either a new loop road or a new arterial road through Placitas, but recognizing that pertinent conditions may change in the longer term, [the planner] recommends that consideration of any such road be deferred until either (a) [ten] years have elapsed from the adoption of this plan or (b) the

population of the Placitas area [or a specified larger area of Sandoval County] has doubled, whichever comes first.

The details of the conditions could, of course, be altered. The key points are that the present blunt dismissal of residents' concerns is unwarranted and that a more acceptable recommendation can and should be devised.

Omitted Issues and Missing Recommendations

The items missing from the draft are of two kinds. First, there are issues that the draft neglects entirely (i.e., fails to mention)—for example, the issue of mining and drilling on neighboring BLM land and issues concerning development at specific Placitas locations, such as at the Cashwell property and below the Piedra Lisa dam. Second, there are issues that the draft does address in some manner, at least to the extent of describing existing conditions, but regarding which it fails to deal with residents' recommendations and/or to offer any substantial recommendations of its own. These include certain transport-related issues, and issues concerning water supply, public services, and capital improvements. Both types of omissions are examined below.

1. Adequate Water Supply as a Prerequisite for Development. One of the most important recommendations put forth by Placitas residents is that developers should have to demonstrate long-term adequacy of water supply as a condition for obtaining approval of their zoning and subdivision applications and building permits. The draft offers a background discussion of water supply issues (pp. 20-22) and the very general statement that the plan should "establish guidelines to ensure a sustainable water supply in the plan area for future generations" (p. 40), but, as already noted, its only specific recommendation on the topic is a call for greater use of community and shared wells. The issue of linking development approvals to adequacy of water supply is never mentioned, nor is the residents' strong recommendation on that subject. Also left unmentioned is the at-least-equally important residents' recommendation that a developer should have to show that his or her method of obtaining water will not adversely affect the water supplies of neighboring residential areas. Given the centrality of water supply to Placitas' future, the draft's failure to present such policy options is hard to understand. A discussion of water-related prerequisites for new development and a corresponding set of specific recommendations should be added to the plan.

2. Wastewater and Storm Drainage Provisions as Prerequisites for Development. Placitas residents have recommended that proof of adequate drainage and wastewater planning should be a condition for approval of proposals for zoning, subdivisions, building permits, and roads. They have proposed that a government agency (state or regional) be charged with inspecting and approving provisions for storm water management and drainage control, and they have called for strict enforcement of state regulations for septic systems. The draft provides useful background information on wastewater and drainage but hardly anything in the way of recommendations. With respect to wastewater, it only mentions a possible County role, at some unspecified time, in supporting a new wastewater system for the Village. It says nothing about the wastewater provisions that new developments (e.g., those containing clustered housing)

should be required to provide. Regarding storm drainage, it states that the County will work with the newly empowered ESCAFCA to develop a "comprehensive approach" to drainage issues but fails to say what those issues are or what kinds of solutions (e.g., capital improvements) might be required. It does not make the connection at all between drainage provisions and approval of developments. These matters should be acknowledged and appropriate text inserted in the draft.

3. *Deleterious Activities on Neighboring BLM Land.* Residents' concerns about negative effects of activities on BLM land to the north of Placitas antedate the planning process but received extensive attention throughout it. The main current activity of concern is gravel mining, which creates health-threatening pollution and aggravates traffic problems. But potential future activities of a far more deleterious nature, which could include multiple forms of mineral extraction, even slant drilling for oil and gas below Placitas homes, are of much greater concern. Residents have expressed these concerns repeatedly and forcefully in submissions to the planner and the P&Z Commission and have presented detailed recommendations on the topic. The planner not only participated in these exchanges but even arranged for BLM personnel to brief the community on pertinent developments. Yet, inexplicably, not a word about this critically important subject is to be found in the draft plan. Although the draft does mention other, less important parcels of BLM land (p. 28), it does not even note the existence of the larger, far more significant tracts of BLM land to the north. County Development officials, if queried about this omission, might claim that because the BLM land in question lies outside the planning area, anything occurring there falls outside the plan's purview. But that would be a feeble excuse for failing to address issues that bear so heavily on the future well-being of the Placitas community. Moreover, while it is true that Sandoval County does not have authority over BLM land and cannot directly control what occurs there, that does not mean it is powerless and cannot bring influence to bear. Certainly, representations by a county government on behalf of its citizens would carry more weight than those of individuals or community groups, and there are other resources, legal and political, that the County could draw on to prevent harm to its citizens. But, first things first. Before considering what action can or should be taken, the County Development Department needs to acknowledge and examine the problem. As a first step, a full discussion of the issue and the residents' recommendations should be added to the Area Plan.

4. *Linkage of Development to Reconstruction of the I-25/NM 165 Interchange.* The draft acknowledges that congestion at the I-25/NM 165/NM 550 interchange is "the biggest transportation problem in the plan area" (p. 18), but then casually assumes that the problem will soon go away because NM DOT has scheduled the interchange for reconstruction. In fact, no quick resolution is possible. Design work has not yet commenced, and construction could not begin before 2011, with completion no earlier than 2013. Moreover, given the current grim economic outlook and the stresses now being placed on New Mexico state government finances, we cannot take for granted that the interchange project will be carried out in anything like the indicated timeframe. Meanwhile, already serious congestion problems are certain to worsen. OnePlacitas has recommended that development along both NM 165 and the I-25 frontage road should be restricted until the reconstruction is completed. The planner may or may not agree, but he should at least consider the connection between development and congestion at the interchange and present his own proposed solution to the problem.

5. *Bringing Access Roads up to County Standards as a Prerequisite for New Subdivisions.* Another transportation issue not addressed in the draft concerns the inadequacy of parts of the Placitas network of access roads to support even existing development, much less new subdivisions. Quite a few Placitas roads were constructed before current standards were adopted in 1996, and hence do not meet current capacity, safety, or environmental requirements. Residents have recommended that a condition for approval of new subdivisions should be that the access roads linking them to arterial highways (mainly NM 165) be brought up, for their entire length, to the County standards now in effect. The draft not only fails to reflect this specific recommendation but also neglects the whole subject of access roads, their quality, and their adherence (or lack thereof) to County requirements. This is another topic that needs to be added to the discussion.

6. *Development of Large Parcels in the Center of Placitas.* The draft is labeled a "land use plan" (p. 4), which leads one to expect that it will recommend appropriate uses of at least major pieces of undeveloped Placitas land. But the present draft fails to mention any proposed developments at specific locations in Placitas. Most significantly, it never refers explicitly to the two large undeveloped parcels that remain in the heart of Placitas, the Cashwell and Grevey-Liberman tracts, each of about 100 acres. This omission is disturbing, considering that what happens to these two strategically located parcels, especially the Cashwell property, will have a major bearing on whether the character of Placitas that residents value will be preserved or irrevocably diminished.

Now pending before the P&Z Commission is an application for rezoning, submitted in May 2008 on behalf of the Cashwell tract's owners, that would allow not only extensive commercial development but also the construction of numerous housing units of a type and density not now found in Placitas. The Commission deferred action on the application, first to December 2008 and later to April 2009, specifically to await completion of the Area Plan, presumably with the expectation that the plan's conclusions will help guide the Commission's decisions. I noted earlier that the draft plan's recommendation to limit commercial development to three existing commercial areas would, if approved, seem to rule out commercial development at the Cashwell site—which is the result that Placitas residents, with near unanimity, unquestionably favor. (It now seems that the developer may be trying to get around this recommendation by redefining the English word "commercial" so that it does not cover the commercial structures he wants to build.) But commercial is only part of the story. The Cashwell application also requests approval of forms of residential development inconsistent with the draft's recommended minimum lot size (one acre), even taking into account the adjustments that the proposed cluster housing provision would allow. The draft plan's recommendations thus imply, without saying so, that the pending application should be rejected or withdrawn, and a revised application with no commercial component submitted in its place. However, all parties would be better served if the plan stated this conclusion explicitly and offered comprehensive recommendations as to what should and should not be built on the Cashwell land. (The same generally applies to the neighboring Grevey-Liberman tract as well, for which no specific development application currently is pending.)

7. *Development Below the Piedra Lisa Dam and Along the I-25 Frontage Road.* The draft never refers to either the undeveloped land below the Piedra Lisa dam or the undeveloped

tracts along the I-25 frontage road north of NM 165. Regarding the former, a developer's request to the town of Bernalillo to annex the site and approve a shopping/office complex at that location was only recently rejected, and a new proposal for annexation and/or development may surface at any time. Placitas residents strongly oppose such development until such time as the I-25 interchange has been reconstructed, flood hazards at the site have been fully addressed, and strong architectural controls have been put into place. Along the frontage road, one large parcel, Sole Toscano, has been annexed by the town of Bernalillo, while another, Petroglyph Trails, is still part of Placitas. The multi-use developments in prospect for both parcels will undoubtedly have major impacts on neighboring Placitas subdivisions. Why has the planner not mentioned these locations and prospective developments in the draft? One possibility is that he believes that parcels along the frontage road should be removed from Placitas and annexed by the town of Bernalillo, so that the County would not then be responsible for what is done with them. If so, he should state and explain that preference and discuss its implications. Meanwhile, however, the Piedra Lisa and Petroglyph parcels remain parts of Placitas and fall within the planning area, so they should be covered in the Area Plan, and residents' recommendations concerning them should be acknowledged and addressed.

8. *Creation of a Mechanism to Develop and Enforce Design Standards.* The draft refers several times to the desirability of promoting consistent architectural styles in certain parts of Placitas, ensuring that the designs of both residential and commercial structures reflect the "southwestern vernacular," etc., but never recommends any mechanism or process for accomplishing these things. One Placitas has proposed one possible approach: creation of an architectural review committee that would examine development proposals and projects and advise the County Commission as to their compliance with design guidelines. That method of promoting standards is not mentioned in the draft. The planner may or may not favor committee approach; perhaps he has some alternative mechanism in mind. Either way, if he is serious about architectural standards, he should outline some approach to implementing the design goals that he himself has laid out and apparently endorsed.

9. *Provision of Fire Protection and Other Public Safety Services.* The draft's very short section on public facilities and services (pp. 62-63) says not a word about fire protection or other public safety services, even though there was extensive discussion of such services, including presentations by fire department personnel, during the planning process. Among the now-missing issues that the plan should address are (a) the adequacy of current fire, police, and EMS services, (b) the appropriateness of current plans to create, staff, and operate new fire stations (which Placitas residents clearly support), and (c) the County's role, now and in coming years, in financing public safety services and ensuring that needed levels of such services will be available. If all these services are adequate now and are expected to remain so in the future without any further County involvement, the plan should say so; if not it should lay out what the County needs to do to ensure satisfactory service provision in the future.

10. *Development of Land Grant Parcels within Placitas.* Although the "historical background" section at the beginning of the draft (pp. 7-11) dwells at length on matters concerning the San Antonio de Las Huertas Land Grant, the Land Grant is not mentioned at all in later sections, and issues concerning the development of its properties within Placitas are never examined. These issues concern possible commercial development of parcels along NM 165 and

possible residential or nonresidential development at several other locations. One would expect the plan at least to indicate these possibilities and examine what they might mean for Placitas residents. The plan should recommend, at a minimum, arrangements for cooperation between the County Development Department and Land Grant authorities to ensure that whatever development does occur on Land Grant property is beneficial to Placitas as a whole.

11. Capital Improvements. One of the original stated reasons for embarking on the Placitas planning exercise was to provide a framework for identifying needed capital improvements and justifying requests for capital improvement funds. The draft plan restates this purpose (p. 5), but the planner seems to have set it aside as he proceeded with his work. The draft lays out no program of capital improvements, offers no time line for capital construction, and suggests no priorities regarding capital funding. In fact, it does not identify, describe, or assess any specific capital projects. The closest it comes to doing so is to refer vaguely to unnamed future public facilities (pp. 41, 62-63), a possible waste water system for the Village at some unspecified future date (p. 61), and undefined future work with ESCAFCA to improve drainage (p. 62). (The draft does, however, present an attractive photograph of a drainage installation on p. 31.) Has the planner determined that the entire Placitas area has no identifiable specific needs for capital improvements? If not, where is his list, and where are his recommendations?

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The foregoing catalog of omitted topics is not exhaustive. I have not tried to list all the resident recommendations to which the draft does not respond. Nevertheless, the foregoing comments should suffice to demonstrate that many relevant issues have not yet been adequately covered and that much additional material needs to be added to the plan.